

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RESPONSE UNDER RULE 116**  
**EXPEDITED HANDLING PROCEDURES**

In re Patent Application of



Atty JRL-4114-15

Dkt.

C# M#

SCHULIST, Matthias

TC/A.U. 2617

Serial No. 10/529,396

Examiner: Thier, Michael

Filed: May 11, 2005

Date: January 29, 2009

Title: EVALUATING ORTHOGONAL CODES TRANSMITTED IN A WIRELESS COMMUNICATIONS NETWORK

**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**AMENDMENT**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

**Fees are attached as calculated below:**

Total effective claims after amendment	17	minus highest number		
previously paid for	20	(at least 20) =	0 x \$52.00	\$0.00 (1202)/\$0.00 (2202) \$
Independent claims after amendment	2	minus highest number		
previously paid for	3	(at least 3) =	0 x \$220.00	\$0.00 (1201)/\$0.00 (2201) \$
If proper multiple dependent claims now added for first time, (ignore improper); add				
				\$390.00 (1203)/\$195.00 (2203) \$
Petition is hereby made to extend the current due date so as to cover the filing date of this				
paper and attachment(s)				
				One Month Extension \$130.00 (1251)/\$65.00 (2251)
				Two Month Extensions \$490.00 (1252)/\$245.00 (2252)
				Three Month Extensions \$1110.00 (1253)/\$555.00 (2253)
				Four Month Extensions \$1730.00 (1254)/\$865.00 (2254)
				Five Month Extensions \$2350.00 (1255)/\$1175.00 (2255) \$ 130.00
Terminal disclaimer enclosed, add				\$140.00 (1814)/ \$70.00 (2814) \$
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith				
Rule 56 Information Disclosure Statement Filing Fee				\$180.00 (1806) \$ 0.00
Assignment Recording Fee				\$40.00 (8021) \$ 0.00
Other: Request for Continued Examination (1801)				\$ 810.00
				<b>TOTAL FEE \$ 940.00</b>

☒ **CREDIT CARD PAYMENT FORM ATTACHED.**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

901 North Glebe Road, 11th Floor  
Arlington, Virginia 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
JRL:maa

NIXON & VANDERHYE P.C.

By Atty: John R. Lastova, Reg. No. 33,149

Signature: \_\_\_\_\_



<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Application Number</td> <td style="padding: 2px;">10/529,396</td> </tr> <tr> <td style="padding: 2px;">Filing Date</td> <td style="padding: 2px;">May 11, 2005</td> </tr> <tr> <td style="padding: 2px;">First Named Inventor</td> <td style="padding: 2px;">SCHULIST</td> </tr> <tr> <td style="padding: 2px;">Group Art Unit</td> <td style="padding: 2px;">2617</td> </tr> <tr> <td style="padding: 2px;">Examiner Name</td> <td style="padding: 2px;">Thier, Michael</td> </tr> <tr> <td style="padding: 2px;">Attorney Docket Number</td> <td style="padding: 2px;">JRL-4114-15</td> </tr> </table>	Application Number	10/529,396	Filing Date	May 11, 2005	First Named Inventor	SCHULIST	Group Art Unit	2617	Examiner Name	Thier, Michael	Attorney Docket Number	JRL-4114-15
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Attorney Docket Number	JRL-4114-15												

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 C.F.R. § 1.114.**

- a. ☐ Previously submitted (Note: Any previously filed unentered amendments will be entered unless applicant instructs otherwise. If applicant does not wish to have previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).)
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

01/30/2009 SZEWDIE1 00000005 10529396

01 FC:1801  
02 FC:1251

810.00 OP  
130.00 OP

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ Applicant claims "small entity" status.
- b. ☒ Fees are attached as calculated below:
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) 810.00 (1801)/\$405.00 (2801) \$ 810.00
- ii. ☒ Petition is made to extend the due date one months (less months previously paid) \$ 130.00
- iii. ☐ Other \$
- c. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed.
- d. ☒ Payment by credit card (credit card payment form attached) in the amount of \$ 940.00
- e. ☒ The Director is hereby authorized to charge any deficiency in the fee(s) filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), to Deposit Account No. 14-1140.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print Type)	John R. Lastova	Registration No. (Attorney/Agent)	33,149
Signature		Date	January 29, 2009

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print Type)		Date	
Signature			

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.